



April 3, 2002

EX PARTE

William Caton
Acting Secretary
Federal Communications Commission
445 Twelfth Street, N.W.
Washington, D.C. 20554

Re: CC Docket Nos. 01-338, 01-321 and 01-318

Dear Mr. Caton:

Please be advised that on April 2, 2002, Audrey Wright and Donna Milburn on behalf of Cable and Wireless USA, Inc.; Cathy Massey on behalf of XO Communications, Inc. and Hank Hulquist and I on behalf of WorldCom, Inc., met with Uzoma Onyeije, Daniel Shiman, John Stanley, Renee Crittendon, Jeremy Miller, Julie Veach, Cathy Zima and Jonathan Kraushaar of the Wireline Competition Bureau; Jerry Stanshine and Behzad Ghaffari of the Office of Engineering and Technology as well as Mark Stone of the Enforcement Bureau. The parties discussed the nature of special access services, how special access functions and the various purposes for which special access is used.

The parties discussed the components of the network that are purchased for special access and the difficulties carriers have encountered when trying to obtain special access in a timely fashion. We also discussed the significance of the current FCC or ILEC restrictions on such issues as EELs and co-mingling. We also briefly discussed ILEC claims of lack of special access facilities, jurisdictional (i.e., state v. FCC) issues surrounding special access and the inability of competitors to obtain enforceable metrics for special access through contract negotiations, complaints and tariff challenges. A copy of the presentation is attached.

In accordance with Section 1.1206(b)(2) of the Commission's Rules, an original and one copy of this notice are being submitted to the Secretary, with a copy to the Commission staff present at the discussion.

Sincerely,

Lisa B. Smith

cc: Renee Crittendon, FCC
Behzad Ghaffari, FCC
Jonathan Kraushaar, FCC
Jeremy Miller, FCC
Uzoma Onyeije, FCC
Daniel Shiman, FCC
John Stanley, FCC
Mark Stone, FCC
Julie Veach, FCC

Cathy Massey, XO Communications, Inc.
Audrey Wright, Cable and Wireless USA, Inc.